

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:11-cv-00023-RJC

U.S. COMMODITY FUTURES TRADING )  
COMMISSION, )  
 )  
Plaintiff, )  
 )  
 )  
v. )  
 )  
KEITH F. SIMMONS, et al., )  
 )  
Defendants, and )  
 )  
LAWRENCE SALAZAR, et al., )  
 )  
Relief Defendants. )

**PLAINTIFF’S MOTION FOR RULE 54(b) CERTIFICATION**  
**AND ENTRY OF FINAL JUDGMENT AGAINST**  
**RELIEF DEFENDANT SHILOH ESTATE LLC**

NOW COMES the Plaintiff U.S. Commodity Futures Trading Commission (“CFTC”), by and through its undersigned counsel, and files this Motion for Rule 54(b) Certification and Entry of Final Judgment Against Relief Defendant Shiloh Estate, LLC (“Shiloh”) pursuant to Rule 54(b) of the Federal Rules of Civil Procedure on the grounds that on March 29, 2017, the Court issued a final order pursuant to Fed. R. Civ. P. 56 (Doc. No. 177) resolving all claims between CFTC and Shiloh and ordering Shiloh to disgorge a sum certain - \$1,305,642.33 - plus post-judgment interest, to be distributed to victims of the so-called “Black Diamond” Ponzi scheme identified in the Judgment entered against Jonathan D. Davey in *United States v. Jonathan D. Davey, et al.*, Case No. 3:12-cr-68 (Doc. No. 263). In addition, there is no just cause for delay in entry of judgment in accordance with the March 29, 2017 Order.

In support of its Motion, CFTC contemporaneously files its Memorandum of Law herewith, and incorporates the contents of the same by reference as if fully set out herein. Additionally, in accordance with LCvR 7.1(B), counsel for CFTC and Shiloh have conferred and have attempted in good faith to resolve areas of disagreement, and the undersigned counsel has been authorized to report to the Court that Shiloh takes no position on Plaintiff's Motion.

This the 2nd day of June, 2017.

Respectfully submitted,

**s/ Alan Edelman**

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## **CERTIFICATE OF SERVICE**

I hereby certify that on this 2nd day of June 2017, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served on all parties or counsel of record identified below in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing:

1. Defendant Bryan Coats, *pro se*  
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[via U.S. Mail]
2. Defendant Jonathan Davey, *pro se*  
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FCI Elkton  
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3. Defendant Genesis Wealth Management, LLC Relief Defendants Coats Estate Planning Services, Inc. and Coats Wealth Management, Inc.  
c/o Bryan Coats Register  
#26822-058 FPC  
Montgomery Federal  
Prison Camp Maxwell  
Air Force Base  
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4. Defendants Divine Circulation Services, LLC, Divine Stewardship, LLC, Safe Harbor Ventures, Inc., Safe Harbor Wealth Investments, Inc., and Safe Harbor Wealth, Inc. and Relief Defendant Sovereign Grace, Inc.  
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5. Relief Defendants Black Diamond Associates, LLC, Eco-Green, LLC, The Gallery Group, LLC, and High South Realty, LLC  
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7. Relief Defendant Shiloh Estate, LLC  
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